REMARKS

Status of this application

In the Office Action mailed on June 15, 2005, claims 1, 3, 11, 12, 15, 17 and 26 were objected to as containing the word "the" which the Examiner suggested be deleted to avoid expressing a reference to a term without a proper antecedent. Claims 1-24 and 26-30 were rejected under 35 U.S.C. §102(e) as being anticipated by the disclosure in U.S. Patent 6,424,029 issued to Thomas Giesler on July 23, 2002 (hereinafter "Giesler"). Claims 21, 25, 26 and 31 were rejected as being anticipated by the disclosure in U.S. Patent 6,830,193 issued to Masahiko Tanaka on December 14, 2004 (hereinafter "Tanaka").

This response cancels claims 1-8, 10, 14, 16, 18 and 26-31, amends claims 9, 11, 15, 17, 20, and 21, and adds claims 32-36 to complete the scope of applicant's protection.

Shortening the Abstract

This response amends the abstract of the disclosure to shorten it to less than 150 words as required by the Examiner.

The Cited Informalities in the Claims

This response amends claims 11, 12, 15, and 17 as suggested by the Examiner to eliminate the definite article "the" which modified certain terms. These amendments are believed to correct the informalities objected to by the Examiner.

The Rejections based on Giesler

Claims 1-12 and 26-30 were rejected as being directed to subject matter deemed to be anticipated by Giesler. This response cancels claims 1-8, 10 and 26-30, and amends claims 9 and 11 to more clearly define applicant's invention over Giesler.

Giesler describes a radio operated card which employs a pair of capacitive switching elements consisting of the interleaved conductor structures seen at 10 and 11. Giesler further discloses an "evaluation circuit" 9 which detects the phase change or amplitude change at the common terminal 20 when one of the conductor structures is touched by the cardholder. See Giesler at col. 4, lines 52-54. By detecting a phase change, the evaluation circuit can derive

information about which of the two touch zones 12 or 13 was touched, whereas if amplitude only is detected, no distinction is made between which zone was touched. See Giesler at col. 4, line 59 to col. 5, line 4. At col. 3, lines 13-16, Giesler states: "Moreover, combinations of touches are feasible. For said evaluations, the measuring electrodes are coupled to the evaluation circuit." Geisler further suggests that the card can be held in one hand, that the thumb of that hand my touch the two touch zones 12 and 13 and that the transmission of data between the card and a reader my be menu-controlled via the card according to a program that runs on the reader. See col. 5, lines 13-27.

The claims mot canceled have been amended to more clearly distinguish applicant's invention over the arrangement disclosed by Giesler.

Claim 9 has been amended to recite "at least one sensor on said card operable by said cardholder to generate a plurality of control signals indicating the timing of a corresponding sequence of touch events when said card is being manipulated by said cardholder, and means responsive to said control signals for controlling the data exchanged between said RFID card and said card reader when said timing satisfies a predetermined condition. While the Giesler arrangement can sense whether the card is being touched on one of two positions, Giesler does not disclose or suggest a mechanism for detecting a sequence of touch events whose timing satisfies a predetermined condition. Claim 9 and its dependent claims 11-13 and 15 are accordingly now believed to be allowable.

Claim 17 had been amended to specifically set forth "an integrated circuit and a plurality of sensors positioned on a surface of said card forming a data entry keypad defining at least ten digit entry key positions which may be touched by said cardholder to enter numeric data into said integrated circuit." A data entry keypad as claimed for accepting numeric data from the cardholder is nowhere described in the cited art. Claim 17 and its dependent claims 19-20 are accordingly believed to be allowable.

Independent claim 21 has been amended to set forth "sensing means coupled to said antenna for detecting the timing and sequence in which said conductive object moves with respect to said spaced apart regions, and means for controlling the operation of said RFID card when said timing and sequence satisfies a predetermined condition." For the reasons stated above with respect to claim 9, claim 21 and its dependent claims 22-26 are accordingly believed to be allowable.

Claims 26-31 have been cancelled and claims 32-36 have been added to complete the scope of applicant's protection. Claim 32 and its dependent claims 33-36 set forth "a sensing mechanism for generating control signals indicative of the position at which, and the timing at which, said cardholder touches each of a plurality of different locations on said card in sequence, and means for controlling the transfer of data via said transceiver when said control signals satisfy predetermined conditions indicating that said card was touched at predetermined locations in a predetermined sequence having a predetermined timing" and are hence believed to be allowable for the reasons given above for claim 9.

Respectfully submitted,

Dated: October 16, 2005 Charles G. Call, Reg. 20,406

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I hereby certify that this *Amendment* is being transmitted by facsimile to the central facsimile number of the U.S. Patent and Trademark Office, (571) 273-8300, on October 16, 2005.

Dated: October 16, 2005 Signature _____

Charles G. Call, Reg. No. 20,406
USPTO Customer No. 021253
68 Horse Pond Road
West Yarmouth, MA 02673
Ph. (508) 778-2630 Fax (508) 629-6540
call@patentsoft.com